

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
FOOD DIVISION REGULATIONS**

**CHAPTER 40-7-6
ADDITIONAL REGULATIONS APPLICABLE TO
COMMERCIALLY BOTTLED WATER
AND
WATER VENDING MACHINES**

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40-7-6-.01 Definitions.

(1) "Approved Laboratory" A Laboratory approved by the Georgia Department of Agriculture, or certified by the U.S. Environmental Protection Agency, (U.S. EPA).

(2) "Approved Source" When used in reference to a bottled water plant's product water or water used in the plant's operations, means the source of the water whether it be from a spring, artesian well, drilled well, public or community water system or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality. The presence in the plant of a current certificate or notification of approval from U.S. EPA or the Commissioner shall constitute approval of the source.

(3) "Artesian Water" means bottled water from a well tapping a confined aquifer in which the water level stands above the water table. "Artesian Water" shall meet the requirements of "Natural Water."

(4) "Bottled Water" means water that is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(5) "Bottled Water Plant" means any place or establishment in which bottled water is prepared for sale.

(6) "Distilled Water" means bottled water which has been produced by a process of distillation and meets the definition of purified water in the most recent edition of the United States Pharmacopoeia.

(7) "Drinking Water" means bottled water obtained from an approved source that has at minimum undergone treatment consisting of filtration activated carbon or particulate and ozonation or an equivalent disinfection process.

(8) "Fluoridated Water" means bottled water containing fluoride. The label shall specify whether the fluoride is naturally occurring or added. Any water which meets the definition of this paragraph shall contain not less than 0.8 milligrams per liter fluoride ion and otherwise comply with the Food and Drug Administration ("FDA") quality standards in Part 165.110 (b) (4) (ii) of Title 21 of the Code of Federal Regulations ("C.F.R.").

(9) "Commissioner" means the Commissioner of the Georgia Department of Agriculture.

(10) "Mineral Water" means bottled water that containing not less than 250 parts per million Total Dissolved Solids (TDS) coming from a source tapped at one or more bore holes or

springs, originating from a geologically and physically protected underground water source. Mineral water shall be distinguished from other types of water by its constant level and relative proportions of minerals and trace elements at the point of emergence from the source, due account being taken of the cycles of natural fluctuations. No minerals may be added to this water. "Natural Mineral Water" shall meet the requirements of "Natural Water".

(11) "Natural Water" means bottled spring, mineral, artesian, or well water which is derived from an underground formation, which is not altered, and is not derived from a municipal system or public water supply.

(12) "Plant Operator" means any entity who owns or operates a bottled water plant.

(13) "Purified Water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and that meets the definition of purified water in the most recent edition of the United States Pharmacopoeia. Water which meets the definition of this paragraph and is vaporized, then condensed, may be labeled "distilled water".

(14) "Spring Water" means water which is: (1) derived from an underground formation from which water flows naturally to the surface of the earth; (2) not derived from a municipal system or public water supply; (3) collected only at the spring or through a borehole into the same underground water-bearing zone; provided, however, water collected with the assistance of external force to protect the water shall retain all the physical properties of and be of the same chemical composition and quality as the water that flows naturally to the surface and (4) pre-emptive standards prescribed by the Food and Drug Administration in the Code of Federal Regulations, Title 21 Part 165 and supplements thereto.

Authority Ga. L. 1992, p.1016; O.C.G.A. Sec. 26-2-4 et. seq.

(15) "Water Dealer" means any person who imports bottled water or causes bulk water to be transported for bottling for human consumption or other consumer uses.

(16) "Well Water" means water from a hole bored, drilled, or otherwise constructed in the ground which taps water of an underground foundation. "Well Water" shall meet the requirements of "Natural Water".

(17) "Safe Drinking Water Act" shall mean Safe Drinking Water Act, Public Law 93-523.

(18) "Vending Machine" means any self-service device which, upon insertion of a coin, paper currency, token, card or key dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card or key operation and optional manual operation. Unless otherwise stated, vending machine includes controlled location vending machines.

(19) "Water Vending Machine" means a water-connected vending machine designed to dispense drinking water, purified and/or other water based products. Such machine shall be designed to reduce or remove turbidity, off tastes and odors and to provide disinfection treatment. Processes for Total Dissolved Solids (TDS) reduction or removal may also be used.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.02 Standards of Water.

(1) All bottled water shall be from an approved source and shall not contain any constituent in quantities that may be injurious to health, as established through rule making by the Commissioner. All bottled water shall meet standards prescribed by the Food and Drug Administration in the Code of Federal Regulations. Title 21, Part 165 and supplements thereto,

(2) Except as provided in subsection (1), bottled water, including mineral water, shall not exceed any Maximum Contaminant Level ("MCL") contained in the Code of Federal Regulations, Title 21, Part 165 and supplements thereto, or any MCL established by EPA under the "Safe Drinking Water Act, Public Law 93-523", and all supplements and amendments thereto or by the Commissioner, for any organic or inorganic chemical. Total Plate Counts (TPC) for all cleaned, sanitized bottles ready for filling shall not exceed 20,000/ml.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.03 Sampling.

(1) The plant operator shall be responsible for sampling and analysis of all approved sources for the contaminants specified in Rule 40-7-6-.02 to assure that product water derived from approved sources continues to comply with said Rule. Such monitoring shall be at least annually, except that analysis for microbiological contaminants shall be weekly if the source is other than a public water system.

(2) In lieu of source monitoring required by this section, a plant operator using a public water system as its source may obtain and display a certificate from said system demonstrating that the public water system conducts the monitoring required by this section.

(3) Where a bottled water plant operator, water dealer or regulatory agency knows or has reason to believe that a contaminant not otherwise monitored is present in the source water because of a spill, release of hazardous substance or otherwise, and its presence would create a potential health hazard to consumers, the plant operator or water dealer upon receipt of such information shall monitor the source water for said contaminant as often as prescribed by the Commissioner. Such costs of monitoring shall be borne by the plant operator.

(4) Detection of contaminant(s) in source monitoring required pursuant to this section shall be followed immediately by a program of periodic monitoring to confirm the presence in the source water of said contaminant(s). If such listed contaminant(s) is confirmed to be present in the source water at a concentration that exceeds a published U.S. EPA Health Advisory, or a U.S. FDA or Georgia Department of Agriculture Action Level for drinking water, the plant operator or water dealer shall employ appropriate treatment techniques to remove or to reduce said contaminant in the product water below said concentration and shall employ a program of periodic monitoring for said contaminant in the source water until such time as said contaminant is not detectable in the source water. Such monitoring costs shall be borne by the plant operator.

(5) The required source water sampling shall be performed by qualified personnel and required analysis shall be performed by an approved laboratory. Records of the required sampling and analyses shall be maintained on file at the plant for not less than four years and shall be available for official review upon request of the Georgia Department of Agriculture.

(6) To assure that bottled water complies with this section, the following finished product monitoring using representative samples derived from the bottled product shall be performed:

(a) For microbiological contaminants specified in this section, analyze monthly a representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant.

(b) For chemical, physical, and radiological contaminants specified in this section analyze annually a representative sample from a batch or segment of continuous product run for each type of bottled drinking water produced by the plant.

(7) The required product water sampling shall be performed by qualified personnel and required analysis shall be performed by an approved laboratory. Such costs of sampling shall be borne by the plant operator.

(8) Records of required sampling and analysis shall be maintained at the plant not less than four years and shall be available for official review upon request of the Georgia Department of Agriculture.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.04. Limits. Limits on bacteriological, radiological, turbidity and chemical quality shall be these as outlined in Rule 40-7-6-.02. Empty bottled water containers exceeding these limits on any two successive tests shall be labeled in accordance with Code of Federal Regulations, Title 21, Part 165. The Commissioner, or his designate, shall order a plant operator to discontinue operation of said bottled water plant whose condition represents a threat to the health or life of any person. If the empty bottled water containers do not meet the standards of Rule 40-7-6-.02, and of this Section, on any four (4) successive tests the bottled water plant shall be ordered to discontinue operation until testing proves that the limit being exceeded is below the limit. Successive tests referred to in this section shall be not less than 7 or more than 30 days apart.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.05 Source of Water. The water source shall be approved by the Georgia Department of Agriculture and shall apply to both product water and water used in plant operations. Source water shall be protected from contamination as outlined in the most current edition of the Sanitarian's Handbook, Theory and Administrative Practice, 4th Edition, 1977. Based upon a ground-water report prepared by an independent consultant using engineering and geological standard practices, the Department shall approve water derived from a well or a borehole as spring water, provided, however, the hydrogeologic or geohydrologic report demonstrates that the well or borehole water meets the definition of spring water as cited in 40-7-6-.01(14) of

these Rules. If the well or borehole is within the State of Georgia, the report shall be signed and stamped by either a geologist or an engineer registered to practice in Georgia. If the well or borehole is outside the State of Georgia, the report shall be signed by either a geologist or an engineer registered in the respective state or country or by a geologist or an engineer registered to practice in Georgia.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.06 Maintenance of Water Source. The approved water source of the bottled water shall be protected from all outside sources of contamination, and the water shall be piped in a sanitary manner and with sanitary pipe lines to the filling room.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.07 Bottling and Filling of Containers. All bottled water, including mineral water, shall be filtered, processed and packaged in accordance with FDA Good Manufacturing Practice Regulations ("G.M.P.'s"), the Code of Federal Regulations, Title 21, Parts 110 and 129, and any other regulations as promulgated by the Commissioner of the Georgia Department of Agriculture. Approved mechanical means shall be used to fill and cap containers. Bottled water shall not be transported, stored, processed, or bottled through equipment or lines used for any nonfood product. All containers in which bottled water is placed shall be suitable and safe, and their components shall meet the requirements of the Federal Food, Drug and Cosmetic Act, as amended. Any waxes, adhesives, sealants, or inks shall meet the requirements of the Code of Federal Regulations, Title 21, Parts 175 through 178. Single service bottles and containers shall not be reused. Waxes, adhesives, sealants and inks shall not impart odor or taste to water, and shall not contaminate the product with microorganisms or toxic or injurious substances.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.08 Bottle Washing. All multi-use bottles and containers shall be thoroughly cleaned and sanitized immediately

before filling. Any method reviewed and approved by the Georgia Department of Agriculture shall be accepted. The plant operator shall employ an approved laboratory to test the effectiveness of the cleaning and sanitizing procedure on a microbiological basis at least monthly. Such testing shall include, but not be limited to, coliform and Total Plate Count (TPC), and shall be in accordance with Standard Methods for the Examination of Water and Wastewater Products, American Public Health Association, most recent edition.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-235 et. seq.

40-7-6-.09 Sealing of Bottles. Bottle mouths must be securely sealed to prevent contamination of the product during storage and transportation. All closures (sealers) must meet the composition requirements of the Federal Food, Drug and Cosmetic Act, as amended. Seals must be tamper evident.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.10 Labeling Requirements. All bottled water shall conform to applicable federal and state labeling laws and be labeled in compliance with the following standards:

(a) Mineral water may be labeled "Mineral Water". Bottled water to which minerals are added shall be labeled so as to disclose that minerals are added, and may not be labeled "Natural Mineral Water" or "Mineral Water" unqualified.

(b) Spring water may be labeled "Spring Water" or "Natural Spring Water"

(c) Water containing carbon dioxide that emerges from the source and is bottled directly with its entrapped gas or from which the gas mechanically separated and later reintroduced at a level not higher than naturally occurring in the water may bear on its label the words "Naturally Sparkling".

(d) Bottled water which contains carbon dioxide other than that naturally occurring in the source of the product shall be labeled

with the words "Carbonated", "Carbonation Added", or "Sparkling" when the carbonation is obtained from a natural or manufactured source.

(e) Well water may be labeled "Well Water", or "Natural Well Water".

(f) Artesian water may be labeled "Artesian Water", or "Natural Artesian Water".

(g) Purified Water shall be labeled "Purified Water", and the method of preparation shall be stated on the label, except that purified water produced by distillation may be labeled as "Distilled Water".

(h) Drinking water may be labeled "Drinking Water".

(i) Any bottler, distributor or vendor of bottled water whose corporate name, brand name or trademark contains the words "Spring", "Well", "Artesian", "Mineral", "Natural", or any derivative of those words shall label each bottle with the type of bottled water as defined in Rule 40-7-6-.01 in typeface at least equal to the size of the typeface of the corporate name, brand name, or trademark, if the type of bottled water is different from the type of stated or implied in the corporate name, brand name or trademark.

(j) The use of the word, "Spring", or any derivative thereof, other than in a trademark, trade name, or company name to describe water that is not spring water as defined herein shall be prohibited. Any water which meets the definition of "spring water" as defined herein may be labeled, sold, advertised, and otherwise represented as "springwater", or "natural spring water", such "spring water" collected through a borehole as provided by Rule 40-7-6-.01(14) shall not require any disclaimer in connection with such labeling, sale, advertisement, or representation or require such water to be additionally identified as any other type of water.

Other descriptive words or terms intended to distinguish between "spring water" which flows naturally to the surface of the earth and "spring water" collected at the spring through a borehole shall not be allowed.

(k) A product meeting more than one definition as stated in Rule 40-7-6-.01 may be identified by any of the applicable product types defined in said rule, except where otherwise specifically prohibited.

(l) Supplemental printed information and graphics concerning recognized uses of the water may appear on the label, but shall not imply properties of the product or preparation methods which are not factual. Point of sale materials, promotional brochures and the like, all considered label extensions, shall comply with all applicable label requirements.

(m) No health claims are permitted.

(n) The term, "spring" or "spring water" shall not be used as brand names on labels, unless the water source meets the definition of Rule 40-7-6-.01(14). The use of the word, "spring" to describe water that is not spring water as defined herein shall be prohibited (such as, but not limited to, "Spring Fresh", "Spring Brand", and "Spring Type").

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-4 et. seq.

40-7-6-.11 Soda Water/Soft Drink Exemptions. Bottled soft drinks, soda or seltzer, or other products commonly recognized as soft drinks and labeled with a common or usual name other than one of those specified in Rule 40-7-6-.01, are exempt from the requirements of this regulation. Water that is not in compliance with the requirements of this regulation may not be labeled as "Artesian Water", "Bottled Water", "Distilled Water", "Drinking

Water", "Fluoridated Water", "Mineral Water", "Natural Water",
"Purified Water", "Spring Water", or "Well Water".

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.12 Adoption by Reference. The following publications are adopted by reference and applicable parts become part of these rules:

(1) Federal Food, Drug and Cosmetic Act, as amended and regulations issued thereunder.

(2) The Code of Federal Regulations, Title 21, Parts 165, 110, 129, 175 through 178, and all supplements thereto dated April 01, 1989.

(3) Sanitarians Handbook, Theory and Administrative Practices 4th Edition, 1977.

(4) All water vending machines shall comply with the National Automatic Merchandising Association (NAMA) Standard for the Sanitary Design and Construction of Water Vending Machines and any future revisions to this publication.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.

40-7-6-.13 Compliance Grace Period. Bottled water plants existing on April 1, 1992 and marketing water in Georgia that derive water from a well or a borehole as "spring water" as provided by in Rule 40-7-6-.05 entitled "Source of Water" shall have until August 1, 1992 to furnish to the Department the required hydrogeologic or geohydrologic report and comply with all aspects of Rule 40-7-6-10 entitled "Labeling Requirements".

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-34 et. seq.

40-7-6-.14 Water Vending Machines. The following shall apply to all water vending machines placed in facilities under the inspectional jurisdiction of the Department, as granted by O.C.G.A. Sec. 26-2-26 et seq.

(1) Machine Approval. All water vending machines shall comply with the Construction Standards of the NSF International, and/or the National Automatic Merchandising Association (NAMA), and any additional standards adopted by regulation which the Department determines are reasonably necessary to protect the public health.

(2) Registration of Machines. All water vending machines under inspectional jurisdiction of the Department shall be registered with the Department. Information shall include, but not be limited to, the name of the water vending machine manufacturer being used, its model and serial numbers and a copy of the manufacturer's official listing from NSF International, or the certification for each type machine from NAMA.

(3) Machine Placement. All water vending machines under the inspectional jurisdiction of the Department shall be placed in a Department approved area, and shall be easily accessible for inspection.

(4) All water vending machines shall comply with NAMA Standard for the Sanitary Design and Construction of Water Vending Machines, and any future revisions to this publication.

(5) Lighting. All water vending machines shall be placed in approved areas containing not less than 20 foot candles of light.

(6) Floors. All water vending machines shall be placed on floors having adequate drainage and which have no potential for pooling water and/or wastes. Floor drains to which the machine may be connected shall be properly trapped.

(7) Machine Maintenance. All water vending machines shall be subjected to a maintenance program for routine servicing. A schedule for such a program shall be present in the machine or a conspicuous service log indicating when scheduled maintenance

was conducted should be present. In addition, the full maintenance schedule should be available during normal working business hours to any customer who wishes to see it at the company's place of business. The program must include written servicing instructions for the operator, technical manuals of the machine and the water treatment appurtenances involved and regularly scheduled service visits. The service log must reference clearly the required maintenance schedule; for example, if the maintenance schedule calls for a coarse filter change monthly, the service log must reference this so that the consumer can easily ascertain that the schedule is being met.

(8) Required Quality Tests. All water vending machine operators shall provide test results to the Department quarterly from an approved laboratory at his/her cost for the coliform group on the water the machine produces. Tests for the coliform group must be Most Probable Number of less than 1/ 100 ml. Additionally, water from water vending machines shall be analyzed by the operator for the Total Dissolved Solids by conductivity measurement each time the vending machine is serviced.

(9) Filling/Dispensing Mechanism. All water vending machines shall dispense water disinfected by ultraviolet light or other method approved by the Department prior to the delivery into the customer's container. In addition, the filling/dispensing mechanism shall be so designed that it is protected from contact with the rim and lid of the take home container making the filling operation a contamination free process.

(10) Water Source. Source water for all vending machines shall be from a Department approved source.

(11) Required Vending Sign. A conspicuous sign which clearly warns the consumer that they are responsible for the cleanliness of their take home container into which they vend water must be provided. A suggested format is: "Notice, as a valued customer you are reminded that your container, if not sanitary, will

contaminate this water and pose a possible health hazard." Size of letters for this sign not to be less than 1/8" high and be conspicuous in layout. Additionally, a sign shall be posted with the name, address of the operator, and a local telephone number that can be called for further information, service, or complaints. Such sign shall be clearly visible to consumers.

Authority Ga. L. 1956, p.195 as amended; O.C.G.A. Sec. 26-2-35 et. seq.